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UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

TIANHAI LACE USA INC.,
a New York corporation,

Plaintiff,

v.

NORDSTROM, INC.,
a Washington corporation, and DOES 1-10,

Defendants.

Civil Action No. 1:17-cv-01296

ECF Case

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Tianhai Lace USA Inc. ("Plaintiff" or "Tianhai"), by and through its attorneys, Leason Ellis LLP, for its Complaint against Nordstrom, Inc. ("Nordstrom"), and Does 1-10 (collectively "Defendants") on personal knowledge as to Tianhai's own activities and on information and belief as to the activities of Defendants, allege the following:

NATURE OF THIS ACTION

1. This is a civil action for (i) willful copyright infringement in violation of 17 U.S.C. § 101 *et seq.*, (ii) vicarious and/or contributory copyright infringement under federal common law, and (iii) unfair competition under New York common law. Plaintiff is the copyright owner of original works of art for use as lace designs to be incorporated into wearing apparel. Defendants use Tianhai's lace designs in connection with Defendants' promotion and

sale of products throughout the United States and such use constitutes an unauthorized reproduction, display, distribution, publication and utilization of the designs. Tianhai seeks, *inter alia*, injunctive relief prohibiting further infringement of its rights to the designs, an award of damages compensating Tianhai for the unauthorized use, and the costs of the action awardable under 17 U.S.C. § 505.

THE PARTIES

2. Plaintiff Tianhai Lace USA Inc. is a New York corporation with its principal place of business at 152 Madison Avenue, Suite 1103, New York, NY 10016.

3. Defendant Nordstrom is a corporation organized under the laws of Washington with offices at 1600 Seventh Avenue, Seattle, Washington 98101.

4. Currently, the names and identities of Does 1-10 are unknown to Plaintiff. Plaintiff reserves its rights to timely seek leave of the court to amend this pleading upon ascertaining the true names and identities of Does 1-10.

JURISDICTION AND VENUE

5. This Complaint alleges causes of action under the Copyright Laws of the United States, Title 17 of the United States Code and claims of unfair competition under New York state law.

6. This Court has subject matter jurisdiction over this claim pursuant to 28 U.S.C. §§ 1331, 1338 and 2201 as well as under Title 17 of the United State Code. Supplemental jurisdiction for the state law claims of unfair competition is proper pursuant to 28 U.S.C. § 1367 and 28 U.S.C. § 1338(b) because this claim forms part of the same case or controversy as the claims for copyright infringement.

7. This Court has personal jurisdiction over Defendants because: (1) Defendants have committed, and continue to commit, acts of infringement in the Southern District of New

York through solicitation of business, advertising and sale of products online, and on information and belief in retail stores in this district; (2) Defendants have purposefully directed their infringing conduct toward New York residents, which caused and continues to cause harm to Plaintiff (a New York corporation); and (3) Defendants purposefully directed their activities toward the Southern District of New York when they willfully infringed Plaintiff's intellectual property rights, knowing that Plaintiff has a principal place of business in this District.

8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and 1400(a) in that Defendants have committed acts of infringement in this district and are subject to personal jurisdiction in this District.

FACTS COMMON TO ALL COUNTS

Tianhai's Copyrighted Lace Designs

9. Tianhai is a prominent designer and distributor of lace fabric and has been for many years. In conjunction with its co-authors, Tianhai has created new and innovative lace fabric designs for use in connection with women's apparel and, moreover, has developed a reputation as a source of high quality lace in the apparel industry. In order to ensure exclusivity, its designs are protected under the copyright laws.

10. Tianhai, with a corporate office on Madison Avenue in New York, primarily operates as the U.S. sales arm of a group of three sister companies (including non-parties Tianhai Lace Co. Ltd. ("TLC") and Tianhai Lace (Guangdong) Ltd. ("TLG")), all of whom collaborate on the creation, manufacture, and marketability of lace fabric designs. Tianhai, with the knowledge and consent of TLC and TLG, also operates as the U.S. enforcement arm of the operation in terms of procuring and protecting the group's intellectual property rights as well as policing infringement thereof.

11. Each lace fabric design that ultimately reaches the Tianhai showroom and sales organization in New York is assigned a unique pattern number used to identify the pattern internally and by customers. Tianhai's customers generally purchase lace from Tianhai to use in connection with the design, manufacture, and creation of women's apparel.

12. Tianhai's original lace designs, which are (and have been) sold throughout the United States and within this district, are the lifeblood of Tianhai's business. Indeed, it is the novelty, quality, and distinctiveness of its designs that sets Tianhai apart from its competitors.

13. Due to Tianhai's position in the trade and its investment in developing its lace designs, Tianhai's success depends on conscientious enforcement of its intellectual property rights, which are valuable assets and sources of significant value, customer loyalty, and business.

a. The R8789 Pattern

14. In or about January 2005, Tianhai created an original work of art for use as a lace design. A photograph of the design is attached hereto as **Exhibit A**.

15. Tianhai first "published" (as that term is defined by the Copyright Act) the lace design, which Tianhai named "Pattern R8789," in or about January 2005.

16. The Pattern R8789 design constitutes an original work of authorship and copyrightable subject matter under the laws of the United States, 17 U.S.C. § 101 et seq. Tianhai is the owner of record of the Pattern R8789 design and owns all right, title and interest therein necessary to independently bring the instant action.

17. Tianhai has complied in all respects with the provisions of the copyright law of the United States and has secured all of the rights and privileges in and to the Pattern R8789 design (as well as the copyright therein) necessary to independently bring the instant action.

18. Tianhai has duly registered its copyright in the Pattern R8789 design with the U.S. Copyright Office and is the owner of U.S. Copyright Registration No. VA 1-825-312 for the

Pattern R8789 design. A true and correct copy of the copyright registration for the copyright in this work is attached hereto as **Exhibit B**.

19. All copies of the work have been sold in conformity with the provisions of the copyright law of the United States and Tianhai has fully complied in all respects with the provisions of the U.S. Copyright Act with respect to the Pattern R8789 design.

20. At all times since it created the Pattern R8789 design, Tianhai has been, and still is, an exclusive holder of all rights, title and interest in and to the copyright therein.

b. The A9146 Pattern

21. In or about October 2008, Tianhai created an original work of art for use as a lace design. A photograph of the design is attached hereto as **Exhibit C**.

22. Tianhai first "published" (as that term is defined by the Copyright Act) the lace design, which Tianhai named "Pattern A9146," in or about October 2008.

23. The Pattern A9146 design constitutes an original work of authorship and copyrightable subject matter under the laws of the United States, 17 U.S.C. § 101 *et seq*. Tianhai is the owner of record of the Pattern A9146 design and owns all right, title and interest therein necessary to independently bring the instant action.

24. Tianhai has complied in all respects with the provisions of the copyright law of the United States and has secured all of the rights and privileges in and to the Pattern A9146 design (as well as the copyright therein) necessary to independently bring the instant action.

25. Tianhai has duly registered its copyright in the Pattern A9146 design with the U.S. Copyright Office and is an owner of record of U.S. Copyright Registration No. VA 1-956-159 for the Pattern A9146 design. A true and correct copy of the copyright registration for the copyright in this work is attached hereto as **Exhibit D**.

26. All copies of the work have been sold in conformity with the provisions of the copyright law of the United States and Tianhai has fully complied in all respects with the provisions of the U.S. Copyright Act with respect to the Pattern A9146 design.

27. At all times since it created the Pattern A9146 design, Tianhai has been, and still is, an exclusive holder of all rights, title and interest in and to the copyright therein.

c. The YY300 Pattern

28. In or about November 2012, Tianhai created an original work of art for use as a lace design. A photograph of the design is attached hereto as **Exhibit E**.

29. Tianhai first "published" (as that term is defined by the Copyright Act) the lace design, which Tianhai named "Pattern YY300," in or about November 2012.

30. The Pattern YY300 design constitutes an original work of authorship and copyrightable subject matter under the laws of the United States, 17 U.S.C. § 101 *et seq*. Tianhai is the owner of record of the Pattern YY300 design and owns all right, title and interest therein necessary to independently bring the instant action.

31. Tianhai has complied in all respects with the provisions of the copyright law of the United States and has secured all of the rights and privileges in and to the Pattern YY300 design (as well as the copyright therein) necessary to independently bring the instant action.

32. Tianhai has duly registered its copyright in the Pattern YY300 design with the U.S. Copyright Office and is the owner of U.S. Copyright Registration No. VA 1-886-924 for the Pattern YY300 design. A true and correct copy of the copyright registration for the copyright in this work is attached hereto as **Exhibit F**.

33. All copies of the work have been sold in conformity with the provisions of the copyright law of the United States and Tianhai has fully complied in all respects with the provisions of the U.S. Copyright Act with respect to the Pattern YY300 design.

34. At all times since it created the Pattern YY300 design, Tianhai has been, and still is, an exclusive holder of all rights, title and interest in and to the copyright therein.

d. The YK451 Pattern

35. In or about April 2013, Tianhai created an original work of art for use as a lace design. A photograph of the design is attached hereto as **Exhibit G**.

36. Tianhai first "published" (as that term is defined by the Copyright Act) the lace design, which Tianhai named "Pattern YK451," in or about April 2013.

37. The Pattern YK451 design constitutes an original work of authorship and copyrightable subject matter under the laws of the United States, 17 U.S.C. § 101 *et seq.* Tianhai is the owner of record of the Pattern YK451 design and owns all right, title and interest therein necessary to independently bring the instant action.

38. Tianhai has complied in all respects with the provisions of the copyright law of the United States and has secured all of the rights and privileges in and to the Pattern YK451 design (as well as the copyright therein) necessary to independently bring the instant action.

39. Tianhai has duly registered its copyright in the Pattern YK451 design with the U.S. Copyright Office and is the owner of U.S. Copyright Registration No. VA 1-886-920 for the Pattern YK451 design. A true and correct copy of the copyright registration for the copyright in this work is attached hereto as **Exhibit H**.

40. All copies of the work have been sold in conformity with the provisions of the copyright law of the United States and Tianhai has fully complied in all respects with the provisions of the U.S. Copyright Act with respect to the Pattern YK451 design.

41. At all times since it created the Pattern YK451 design, Tianhai has been, and still is, an exclusive holder of all rights, title and interest in and to the copyright therein.

Defendants' Infringing Activities

42. Upon information and belief, Nordstrom is a retailer of apparel for women, including clothing, accessories and shoes. Nordstrom advertises that its sells and ships women's apparel products throughout the United States and the world.

43. Upon information and belief, Nordstrom operates 340 brick-and-mortar stores within 40 U.S. states, Puerto Rico and Canada, including ten stores located within this judicial district and sister districts.

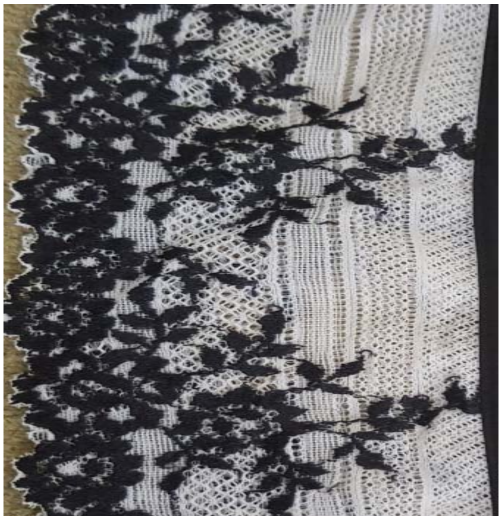
44. Upon information and belief, Does 1-10 are manufacturers, and/or vendors, and/or other parties who have supplied, manufactured and/or otherwise contributed to the creation of and sale of products incorporating Plaintiff's original works of art for use as lace designs without Plaintiff's knowledge or consent.

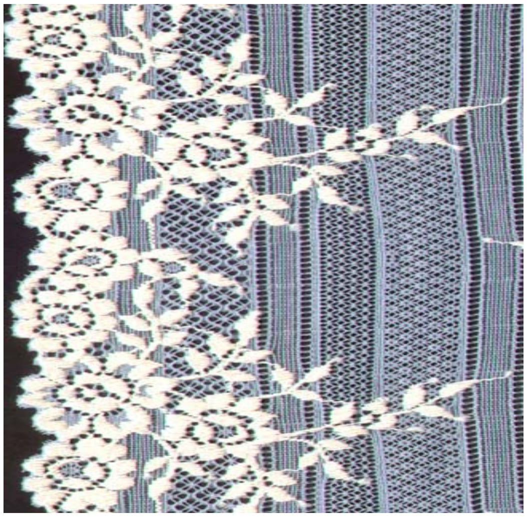
45. Upon information and belief, the identities of Does 1-10 are known to Nordstrom.

46. Defendants have incorporated at least four (4) of Tianhai's lace designs into at least five (5) different garments reproduced, manufactured, distributed, sold, and marketed by Defendants, including Patterns R8789, A9146, YY300 (twice), and YK451.

47. Tianhai's R8789 lace design has been incorporated by Defendants into at least one garment reproduced, manufactured, distributed, sold, and marketed by Nordstrom under the designation "In Bloom by Jonquil" Style No. 854321 with a retail price of approximately $58.00.

48. A photo of one version of the infringing garment is annexed hereto as **Exhibit I**. A side-by-side comparison of R8789 and Nordstrom's Style No. 854321 is below:

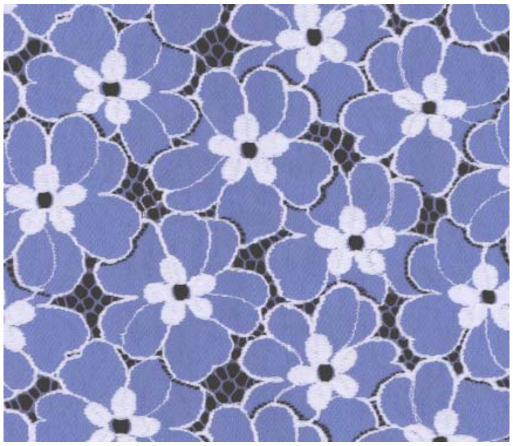

Nordstrom's lace garment


Tianhai's lace pattern

49. The Pattern A9146 lace design has been incorporated by Defendants into at least one garment reproduced, manufactured, distributed, sold, and marketed by Nordstrom under the designation "Adrianna Papell" Style No. 012249290 with a retail price of approximately $138.00.

50. A photo of one version of the infringing garment is annexed hereto as **Exhibit J**. A side-by-side comparison of A9146 and Nordstrom's Style No. 012249290 is below:

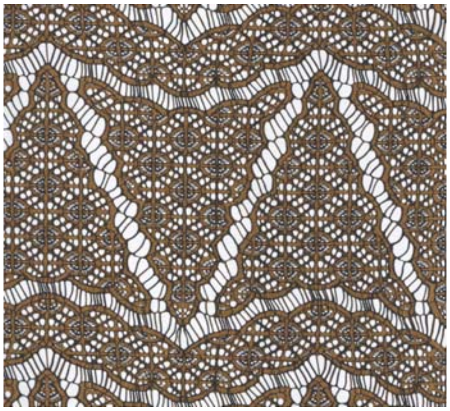
Nordstrom's lace garment


Tianhai's lace pattern

51. Tianhai's YY300 lace design has been incorporated by Defendants into at least two garments reproduced, manufactured, distributed, sold, and marketed by Nordstrom. The

first infringing garment was designated under "Adrianna Papell" Style No. 011252370 with a retail price of approximately $170.00.

52. A photo of one version of the first garment infringing Pattern YY300 is annexed hereto as **Exhibit K**. A side-by-side comparison of YY300 and Adrianna Papell Style No. 011252370 is below:

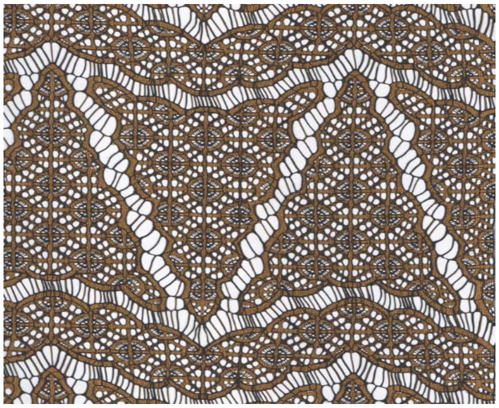

Nordstrom's lace garment

Tianhai's lace pattern

53. Tianhai's YY300 lace design has also been incorporated by Defendants into a second garment reproduced, manufactured, distributed, sold, and marketed by Nordstrom. The second infringing garment was designated under "adelyn rae" Style No. F56D2122 with a retail price of approximately $92.00.

54. A photo of one version of the infringing garment is annexed hereto as **Exhibit L**. A side-by-side comparison of YY300 and Nordstrom's Style No. F56D2122 is below:

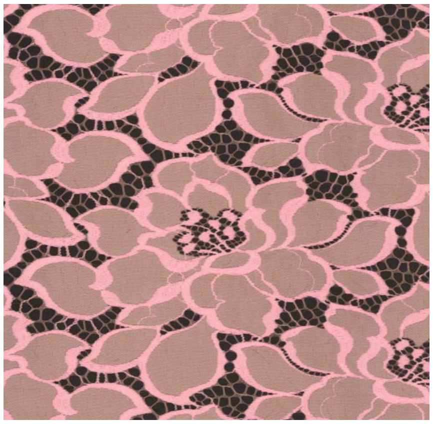
Nordstrom's lace garment


Tianhai's lace pattern

55. The Pattern YK451 lace design has been incorporated by Defendants into at least one garment reproduced, manufactured, distributed, sold, and marketed by Nordstrom under the designation "Soprano" Style No. 5080486 with a retail price of approximately $68.00.

56. A photo of one version of the infringing garment is annexed hereto as **Exhibit M**. A side-by-side comparison of YK451 and Nordstrom's Style No. 5080486 is below:

Nordstrom's lace garment



Tianhai's lace pattern

57. Hereinafter **Exhibits I, J, K, L,** and **M** will be collectively referred to as the "Infringing Products."

58. Upon information and belief, Defendants had access to Tianhai's Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs prior to reproducing, manufacturing, distributing, marketing, and selling the Infringing Products.

59. Upon information and belief, Defendants knew at the time that they reproduced, manufactured, distributed, marketed, and offered for sale the Infringing Products that the lace designs incorporated therein comprised the proprietary intellectual property of Tianhai.

60. Upon information and belief, Defendants willfully intended to offer garments for sale to its customers incorporating Tianhai's Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs.

Tianhai's Enforcement Activities

61. Tianhai learned that Nordstrom stores in the United States and this District were offering for sale and selling infringing garments, which prominently incorporated a lace design throughout the entire garment that was virtually identical, if not identical, to Tianhai's Pattern R8789 design.

62. Defendants' initial use of Tianhai's Pattern R8789 designs prior to September 2014 was without Tianhai's knowledge or permission.

63. Tianhai placed Nordstrom on notice of its infringement of Pattern R8789 by letter to Nordstom's General Counsel on October 21, 2014.

64. Despite being on notice that it was currently infringing Tianhai's Pattern R8789 design, on information and belief, Tianhai learned that Nordstrom stores in the United States and this District were also offering for sale and selling infringing garments, which prominently incorporated a lace design throughout the entire garment that was virtually identical, if not identical, to Tianhai's Pattern A9146 design.

65. Defendants' use of Pattern A9146 design prior to May 2015 was without Tianhai's knowledge or permission.

66. Tianhai placed Nordstrom on notice of its infringement of Pattern R8789 by letter to Nordstom's General Counsel on June 5, 2015.

67. Despite being on prior notice that it was currently infringing Tianhai's Pattern R8789 and Pattern A9146, on information and belief, Tianhai learned that Nordstrom stores in the United States and this District were also offering for sale and selling infringing garments, which prominently incorporated a lace design throughout the entire garment that was virtually identical, if not identical, to Tianhai's Pattern YY300 and Pattern YK451 designs.

68. Defendants' use of Tianhai's Pattern YY300 and YK451 designs prior to May 2016 was without Tianhai's knowledge or permission.

69. Defendants' post-notice use of Tianhai's lace patterns continued unabated despite being advised that such use was without Tianhai's knowledge or permission and, *inter alia*, causing irreparable harm to Tianhai.

70. Upon information and belief, with full and complete knowledge of Tianhai's copyrights discussed above, Defendants willfully infringed Tianhai's copyright in its Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs by copying them without Tianhai's permission, license, or consent.

71. Upon information and belief, Defendants did not purchase lace from Tianhai for use in the Infringing Products because, with full knowledge of Tianhai's copyrights, Defendants were manufacturing and/or purchasing unauthorized copies of Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs outside the United States or otherwise at a greatly reduced rate.

72. Upon information and belief, Defendants have committed the infringing acts complained of herein willfully and with conscious disregard for Tianhai's rights.

73. Upon information and belief, Defendants' actions have caused damage and irreparable harm to Tianhai. Unless Defendants are compelled to discontinue these actions by the Court, Tianhai will continue to suffer such damage and irreparable harm.

74. Tianhai has no adequate remedy at law.

First Claim for Relief
Copyright Infringement under 17 U.S.C. § 101 *et seq.*

75. Plaintiff repeats and realleges by reference each and every allegation contained in the paragraphs above.

76. Tianhai's Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs have never been dedicated to the public.

77. At all times pertinent to this Complaint, Plaintiff has been, and still is, an owner of all right, title, and interest in and to the Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs, including the copyrights therein. Tianhai has never assigned, licensed, or otherwise transferred any of these rights, including its copyrights, to Nordstrom; nor has Tianhai ever authorized Nordstrom to copy, distribute, or license the Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs.

78. Defendants have directly, vicariously, and/or contributorily infringed Tianhai's rights to the lace design protected by U.S. Copyright Registration Nos. VA 1-825-312 [R8789], VA 1-956-159 [A9146], VA 1-866-924 [YY300], and VA 1-866-920 [YK451] by reproducing, displaying, or distributing unauthorized copies of the designs in violation of 17 U.S.C. § 501 *et seq.*

79. Defendants either directly or indirectly, copied Tianhai's lace designs for their own commercial gain to the unjust exclusion of Tianhai.

80. By its acts complained of herein, Defendants have infringed the copyrights in the Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs in violation of §§ 106 and 501 of the U.S. Copyright Act, 17 U.S.C. § 101, *et seq.*

81. Defendants' infringement of Tianhai's rights in and to each of the copyrighted works each constitutes a separate and distinct act of infringement.

82. Upon information and belief, Defendants knew or should have known that their acts constituted copyright infringement.

83. Defendants' conduct was willful within the meaning of the Copyright Act.

84. Tianhai has been damaged by Defendants' conduct, including, but not limited to economic losses. Tianhai continues to be damaged by such conduct, and has no adequate remedy at law to compensate Tianhai for all the possible damages stemming from Defendants' conduct.

85. Because of the willful nature of Defendants' conduct, Tianhai is entitled to an award of statutory damages for each instance of copyright infringement by Defendants, in lieu of recovery of exemplary damages, attorney's fees, and all associated costs.

Second Claim for Relief
Unfair Competition under New York State Common Law

86. Plaintiff repeats and realleges by reference each and every allegation contained in the paragraphs above.

87. Tianhai has gone to great expense in developing, promoting the sale of, and commercially exploiting its copyrighted Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs.

88. As a result of the expenditure of money and skill in the development and promotion of Tianhai's lace fabrics incorporating Tianhai's copyrighted designs, including the Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs, Tianhai's lace fabrics have acquired substantial market value. Moreover, this value has allowed Tianhai to build up substantial goodwill in the distinctive appearance of its lace designs, including its copyrighted Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs.

89. Consumers and the general public have come to associate products incorporating Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs as emanating exclusively from Tianhai or its customers.

90. The Infringing Products are likely to cause confusion to the general purchasing public as to the source of the lace designs incorporated therein.

91. The lace fabric incorporated in the Infringing Products was manufactured to lower quality standards than those of Tianhai. The use of lower quality lace has tarnished Tianhai's good name in the marketplace due to the perceived association between Defendants' lower quality goods being confused with Tianhai's goods.

92. Defendants, by their acts, have intentionally taken advantage of the knowledge and skill of Tianhai and of the goodwill developed by Tianhai, and has capitalized upon the market created by Tianhai for its distinctive lace designs.

93. The aforesaid acts of Defendants, in manufacturing, distributing, marketing, offering for sale and selling and/or causing to be manufactured, distributed, marketed, offered for sale and/or sold, the Infringing Products, constitutes inequitable conduct, unfair trade practices and unfair competition as defined by New York common law, and are likely to deceive and confuse Tianhai's customers and other apparel and retail distributors into believing that the Infringing Products are manufactured from lace fabric supplied by Tianhai or are sponsored by, licensed by, endorsed by or are otherwise associated with Tianhai.

94. Defendants' acts constitute misappropriation or attempted misappropriation of Tianhai's copyrighted designs and the goodwill and reputation which are associated therewith.

95. Defendants have misappropriated Tianhai's goodwill and the benefits of Tianhai's skill and expenditures in the development and design of Tianhai's Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs and by reason thereof have caused irreparable injury to Tianhai.

96. Tianhai's market has been reduced by Defendants conduct, which injury will continue as long as Defendants are not enjoined by this Court from further manufacturing,

distributing, marketing, offering for sale and selling and/or causing to be manufactured, distributed, marketed, offered for sale and/or sold, the Infringing Products in the United States.

97. Defendants have manufactured, distributed, marketed and/or sold the Infringing Products without authorization, license, or permission from Tianhai.

98. Defendants' acts have damaged Tianhai in an amount as yet unknown and may further damage Tianhai in such manner that Tianhai has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests entry of judgment against Defendants finding as a matter of law and fact as follows:

A. Defendants have willfully infringed Plaintiff's rights in the copyrighted designs of: Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451.

B. Defendants, their officers, agents, servants, employees, and attorneys, and all others in active concert or participation with them, including any and all third party fabric, lace, ornamental trim, and/or apparel manufacturers, distributors and suppliers who receive actual notice of the Order or Judgment by any method:

i. be permanently enjoined and restrained from copying, reproducing, using, selling, manufacturing, advertising, or promoting copies of the Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs or any design substantially similar thereto;

ii. be permanently enjoined and restrained from copying, reproducing, using, selling, manufacturing, or creating derivative works based upon the Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs or any design substantially similar thereto; and

iii. be ordered to surrender to Tianhai all Infringing Products or other garments or materials in its possession, custody or control displaying, copying, and/or bearing the Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs or any design substantially similar thereto.

C. Defendants be ordered to send written notice, approved by the Court, to each licensee, manufacturer, supplier, distributor, wholesaler, retailer, or any other party who manufactured or sold the Infringing Products, or manufactured or sold other garments bearing the Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs, with a copy of each such written notice to be furnished to Tianhai:

i. requesting that the recipient surrender to Tianhai all garments bearing the Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs in its possession, custody or control; and

ii. advising the recipient that pursuant to the judgment of this Court, Defendants have been enjoined from copying, reproducing, using, selling, manufacturing, advertising, or promoting copies of the Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs or authorizing any third party to copy, reproduce, use, sell, manufacture, advertise, or promote copies of the Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs.

D. Defendants destroy all Infringing Products, materials, documents, catalogues, or advertisements bearing the Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs in Defendants' possession, custody and control pursuant to 17 U.S.C. § 503.

E. Defendants remove all webpages, web links, photographs or advertisements bearing the Pattern R8789, Pattern A9146, Pattern YY300 and Pattern YK451 designs from any website that it controls or contributes to.

F. Defendants be required to pay all profits realized by Defendants as a result of its unlawful infringing acts as complained of herein pursuant to 17 U.S.C. § 504.

G. Defendants be required to compensate Tianhai for all actual damages suffered as a result of Defendants' unlawful infringing acts as complained of herein pursuant to 17 U.S.C. § 504.

H. In the alternative, Defendants be required to pay Tianhai statutory damages pursuant to 17 U.S.C. § 504, and said statutory damages shall be in the amount of $150,000 per registration infringed as enhanced as a result of Defendant's willful infringing acts as complained of herein.

I. Tianhai be awarded its costs, expenses and reasonable attorney's fees incurred in bringing this action pursuant to 17 U.S.C. § 505.

J. Defendants file with the Court, and serve upon Tianhai's counsel, within thirty (30) days after the entry of the judgment, a report under oath setting forth in detail the manner in which Defendants have complied with such judgment.

K. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff, pursuant to Fed.R.Civ.P. 38, demands trial by jury on all issues triable to a jury.

Dated: February 21, 2017
White Plains, New York

Respectfully Submitted,

LEASON ELLIS LLP

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